

Application No. 10/644,173

3COM 2035-3
(2305.US.P.CON2)

REMARKS

In the Official Action mailed 6 August 2004, the Examiner reviewed claims 1-10. The Examiner rejected claims 1-10. The Examiner rejected claims 1-10 under 35 U.S.C. 112, second paragraph; and rejected claims 1-5 under the judicially created doctrine of obviousness-type double patenting.

Applicant has amended claims 1, 3, 4 and 5, and submits a Terminal Disclaimer. Claims 1-10 remain pending.

Rejection of Claims 1-10 under 35 U.S.C. §112, Second Paragraph

Claims 1-10 are rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended claims 1, 3, 4 and 5 to address the Examiner's concerns.

Accordingly, reconsideration of rejected claims 1-10 is respectfully requested, in view of the amendment.

Rejection of Claims 1-5 for Double Patenting

Claims 1-5 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,611,502.

Applicant submits a Terminal Disclaimer to overcome this rejection. Applicant also submits a Terminal Disclaimer to Patent 6,680,917. Accordingly, reconsideration of rejected claims 1-5 as amended is respectfully requested.

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CONCLUSION

It is respectfully submitted that this application is now in condition for allowance.

The Commissioner is hereby authorized to charge any fee determined to be due in connection with this communication, or credit any overpayment, to our Deposit Account No. 50-0869 (3COM 2035-3).

Respectfully submitted,

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Mark A. Haynes
Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP
P.O. Box 366
Half Moon Bay, CA 94019
(650) 712-0340 phone
(650) 712-0263 fax